UNITED STATES PATENT AND TRADEMARK OFFICE

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ART UNIT	PAPER NUMBER
3688	

NOTIFICATION DATE	DELIVERY MODE
04/15/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

USPTO@wavsip.com

	Application No.	Applicant(s)
Office Action Summary	10/699,631	SAENZ, JAVIER
	Examiner	Art Unit	
	KHANH H. LE	3688	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *04 March 2010*.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-9 and 21-33* is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *1-9 and 21-33* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
        1.☐ Certified copies of the priority documents have been received.
        2.☐ Certified copies of the priority documents have been received in Application No. _____.
        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5)☐ Notice of Informal Patent Application
6)☐ Other: _____ .

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on March 04, 2010 has been entered. Claims 1-9 and 21-29 were in the application. Claims 30-33 are added. Thus claims 1-9 and 21-33 are pending. Independent claims 1 (method) and 21(system) have been amended.

Claim Rejections - 35 USC § 112

2.   The following is a quotation of the first paragraph of 35 U.S.C. 112:
The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3.   **Claims 1-9 and 21-33 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.**

Claim 1 and 21:

As to the new limitation:

"determining for each of the awards a likelihood of acceptance by said first patron based upon at least (i) the historical transaction information involving said patrons including the first patron (ii) the observed preference data of at least the first patron, and (iii) an operator-specified time period within which to consider the observed preference data;"

Applicant argues that *"Support for determining a likelihood of acceptance based upon the observed preference data and based on an operator- specified time period can be found in the original specification, e.g., Id. at pars. 0131 and 0192."*

However [0131] and [0192] only disclose:

> *[0131] An **observed** preferences data structure 116 includes a plurality of data points a table of information indexed by account number which are calculated based upon various metrics descriptive of patterns of behavior discerned from analysis of certain transactions stored within the data warehouse 226. In the exemplary embodiment the table of data points stored within the preferences data structure 1116 is updated at regular intervals (e.g., once per day) using transformed sets of data provided during these intervals by the data transformation services 232. The preferences data reflected by the preferences data structure 1116 may be based upon activity over various default time periods (e.g., most recent 30, 60 or 90 days). **Alternately, users may specify the duration of the time period represented by the preferences data stored by the data structure 116 (e.g., most recent 74 days)** Attributes of these transactions are stored within the PCS database 112, and the contents of the **observed** preferences data structure 1116 is distilled from this stored information. **These preferences contained within the data structure 1116 may include, for example, (1) gaming preferences based on**

observed time played or actual win or theoretical win as recorded (derived or observed) from a casino's management system (2) favorite restaurant based on number of visits to restaurants as recorded in the warehouse 226 on the basis of restaurant-related transactions stored within the transactional databases 108.

*[0192] In an exemplary embodiment, several awards with a value appropriate for the profile of the patron are matched to the patron, and data in the patron database 1748 is used to **sort the awards based upon the likelihood of the patron accepting each award.** For example, a set of possible awards may be matched with the patron's profile, and **based upon the patron's historical preferences (e.g., stated and observed preferences**, and the patron's past refusals and acceptances) and/or current activities, recommendations are made to a system user (e.g., a casino employee) as to which award they should offer to the patron. For instance, three awards may match the profile of a particular patron: a buffet for two, caf for one, or a discounted room; however, one of them may be highlighted (e.g., in green) because that is the award that the patron (based on their historical behavior) is most likely to appreciate.*

Note that when discussing the likelihood of acceptance at [0192], *"the patron's historical preferences (e.g., stated and observed preferences"* are discussed. However, even though [0131] mentions that the *"users may specify the duration of the time period represented by the preferences data stored by the data structure 116 (e.g., most recent 74 days)"* there is no explicit disclosure of an embodiment where the likelihood of acceptance is "based on an operator-specified time period within which to consider the observed preference data" (interpreted, based on [0131] as, wherein the matched offers, most likely to be accepted, are based on observed preference data collected during a time period specified by an operator). Nor is it necessary or inherent from [0131] and [0192] that it so be. No other paragraphs of the specification are found to support the combination as claimed.

All dependents of claims 1 and 21 are rejected based on their dependency.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

    The specification shall conclude with one or more claims particularly pointing out and

    distinctly claiming the subject matter which the applicant regards as his invention.

5. **Claims 1-9 and 21-33 are rejected under 35 U.S.C. 112, second paragraph, as being**

    indefinite for failing to particularly point out and distinctly claim the subject matter

    which applicant regards as the invention.

    Claim 1 and 21:

    As to :"*determining for each of the awards a likelihood of acceptance by said first patron*

based upon at least (i) the historical transaction information involving said patrons including the

first patron (ii) the observed preference data of at least the first patron, and (iii) an operator-

specified time period within which to consider the observed preference data;"

    because of the lack of support discussed above, the scope and content of "determining for

each of the awards a likelihood of acceptance by said first patron based upon at least on …(iii) an

operator-specified time period within which to consider the observed preference data;" is

unclear.

    All dependents of claims 1 and 21 are rejected based on their dependency.

    Appropriate correction is required.

6. **Interpretation of claims 1 and 21:**

    As best understood from [0131] and [0192], "determining for each of the awards a

likelihood of acceptance by said first patron based upon at least on …(iii) an operator-specified

time period within which to consider the observed preference data;" is interpreted as sorting

matched offers based on the likelihood of acceptance wherein the matched offers are based on observed preference data collected during a time period specified by an operator.

As to "*observed preference data* ", no specific definition is given except as different from "stated" thus the limitation is interpreted as analogous to monitored or tracked or recorded transaction data (because transaction data is an indication of preferences). As to "based on i) historical data and ii) observed preference data, note that the specification at [0192] states: "*historical preferences (e.g., stated and observed preferences, and the patron's past refusals and acceptances)*" thus historical preferences include observed preferences thus i) and ii) become based on the observed preferences.

Response to Arguments

7. Applicant's arguments as to the prior art, with respect to claims 1-9 and 21-33 have been carefully considered but are not persuasive. The arguments are directed to the new limitations and are addressed below.

8. **In summary:**

Claims 1-9, and 21- 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boushy et al. US 6003013 in view of Pierce US 6332126 and Walker 20030027635.

As to the new limitations:

Based on the above interpretation that observed preference data is the same as monitored transaction activity, note that Boushy teaches monitored current transaction activity (abstract, Fig 3 and 4 and associated text). Pierce teaches sorting offers by likelihood of acceptance. Walker teaches an interface used by casino personnel on the casino floors to present offers. The motivation to combine the references was presented earlier and below. See Para. 9 below.

Alternatively if ""observed preference data ","" is taken as observed by casino personnel, Walker at [0110] teaches:" *a representative **who interacts with a player is capable of more thoroughly understanding the preferences of that player**. Thus, in one embodiment representatives and the central computer can advantageously cooperate to determine which offers to provide to players"*

Thus it would have been obvious to a skilled artisan to add such WALKER teaching to the BOUSHY, PIERCE AND WALKER system to allow adding the casino personnel insight to other tracked data to "advantageously cooperate to determine which offers to provide to players" (Walker [0110]).

As to sorting matched offers based on the likelihood of acceptance wherein the matched offers are based on observed preference data collected during a time period specified by an operator, Walker teaches at [0058] data collected on a user may be based on "any other desired time period". Thus it would have been obvious to add such teaching to the BOUSHY, PIERCE AND WALKER system to allow monitoring data for any desired time period for any business purposes.

As to new claims 30-33, they are addressed below.

Claim Rejections - 35 USC § 103

9.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject

matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

10.   Claims 1-9, and 21- 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boushy et al. US 6003013 in view of Pierce US 6332126 and Walker 20030027635.

Independent claims 1, 21 and dependent claims 8, 9, and 28:

BOUSHY discloses:

A computer-implemented method and system for selecting awards to be offered to patrons of an establishment (abstract), the method comprising:

maintaining a **patron database** storing patron information relating to a plurality of patrons and historical transaction information involving said patrons (abstract; col. 9 lines 52-67; Fig 3 item 212;) connected to a **central server unit** (fig. 1 items 112 , 114 and associated text: database server; marketing server; Fig 2A: components of server 112) with
a processor and a memory (inherent)

monitoring substantially current transaction activity of said plurality of patrons (abstract: updated customer accounts; Figures 3 and 4 and associated text) and storing in **current activity database**;

regularly assigning a profile (i.e. assigning then updating the profile) to said first patron (col. 5 lines 21-24; col. 10 lines 54-61), by a profile assignment module executable by said server processor, based at least upon portions of said historical transaction information pertinent to said

first patron and said substantially real time or current transaction activity (abstract; col. 9 lines 52-67; also col. 9 line 67 to col. 10 line 2);

by an award matching module executable by said server processor, matching 2 or more awards to ones of said profiles (abstract, last line); and

offering said one or more awards to ones of said plurality of patrons assigned to said ones of said profiles (abstract, last line; Figure 4; Fig. 4 item 454 and associated text).

(Note: Boushy also discloses

generating and receiving a script containing information relating to conveyance of awards (e.g. col. 12 lines 8-12: the number of points, based on an newly determined status, is determined ; this information about the points to be offered to customer is the script);

BOUSHY further discloses wherein said historical transaction information is reflective of prior participation of said plurality of patrons in gaming activity managed by said business establishment (abstract) and (claim 20) wherein said profile is selected as a function of participation of said first patron in said gaming activity and in current gaming activity (abstract: updated profile; col. 9 lines 55-67).

Boushy discloses several offers based on updated profiles but **does not specifically disclose** *"based upon at least the historical transaction information involving said patrons including the first patron and the current transaction activity of at least the first patron,* **sorting the two or more awards according to a likelihood of the first patron accepting each award; and outputting, based upon said sorting, at least one recommendation of an award to offer to the first patron."*

However Pierce, in the same computer-based targeted discount and incentives art, **discloses consumer transaction histories used to match qualified consumers to targeted**

merchant discount offers. Offers are automatically prioritized based on their expected value to consumers and consumers receive the highest priority offers for which they qualify. (abstract; col. 2 lines 34-37).   **The default prioritization can be altered or overridden by the merchants system (abstract).** Pierce also discloses, after matching offers to consumers, automatically notifying them of the best offers for which they qualify (col. 4 lines 55-57; Figure 1.8). In doing so, Pierce discloses the goal is to offer patrons the offers in which they will be most interested (Pierce, col. 2 lines 18-24).

The offers prioritizing in Pierce reads on offers sorting as claimed, (i.e. in order of importance, see definition per http:// dictionary.reference.com/browse/prioritize, printout provided with the last Office Action). Since Pierce teaches patrons will be most interested in these offers, Peirce thus discloses "sorting the two or more awards according to a likelihood of the first patron accepting each award" as claimed because logically patrons would be likely to accept what they are "most interested" in.

Thus it would have been obvious to a person having ordinary skill in the art at the time the invention was made (herein a "PHOSITA") to add the above Peirce's teaching of prioritizing offers to Boushy to offer patrons the best offers in which they will be most interested (Pierce, col. 2 lines 18-24).

The combination of BOUSHY in view of PEIRCE does not explicitly disclose recommendations. However Pierce's notifying of the best prioritized offers reads on recommendations. This is because the system or system operators can override the default prioritization (see abstract), thus this prioritized list only acts as a list of suggestions or recommendations of offers to present to the consumer. The motivation to add this limitation of Pierce to Boushy is to allow some degree of flexibility to the system operator in making the offers.

Further it would have been obvious to combine the recommendations of Peirce to Boushy since the claimed invention is merely a combination of old elements (recommendations of offers of Pierce and offers made in Boushy), and in the combination each element merely

would have performed the same function as it did separately (i.e. the offers would just have been recommended instead of being imposed), and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Boushy and Pierce do not disclose:

a **hand-held display device** the use of which is limited to operators of the gaming establishment

with first interface and said second interface on the display device,

wherein said first interface comprises a visual indicator to display a location of a first patron rendered on the floor diagram of said gaming establishment

wherein said second interface displays, based upon results of said sort, information indicating at least one recommendation of a first award from the matched awards to offer to ones said first patron

and data for generating a floor diagram of the gaming establishment including a relative position and an arrangement of gaming devices and gaming tables within the gaming establishment.

However Walker, in the same gaming and offers arts, discloses:

a **hand-held display device** the use of which is limited to operators of the gaming establishment (e.g. Figure 1 item 140: representative device; Fig 5 item 570; 580; [0046]; [0076])

with first interface and said second interface on the display device,

wherein said first interface comprises a visual indicator to display a location of a first patron rendered on the **floor diagram** of said gaming establishment ([0186]: map of casino on rep device);

wherein said second interface displays, information indicating at least one recommendation of a first award from the matched awards to offer to ones said first patron ([0114] last 4 lines) the server provides list of offers matched to particular players, subject to override by representative);

and server generating data for generating a floor diagram of the gaming establishment including a relative position and an arrangement of gaming devices and gaming tables within the gaming establishment (inherent in order to generate the map shown to the representative device, see paragraph [0186]).

Thus it would have been obvious to a PHOSITA to add the representative device of Walker to Boushy and Pierce to provide another convenient method of displaying offers to patrons, by mobile service attendants, as taught by Walker. In this case, it would have been obvious that the sorted and matched offers or recommendations as taught by Walker and Pierce would also have been displayed. *(Note that Walker also teaches (at [0114] last 4 lines) the server provides list of offers matched to particular players, subject to override by representative. Since the representative is on the floor and can observe the player before making the offer, see e.g. [0076], her selection of which offer reads on sorting the list of matched suggestions according to a likelihood of acceptance.* Since Walker teaches displaying the manual sort on the device, while Pierce teaches sorting automatically, it would have been obvious, in the system of Boushy, Pierce and Walker, to display the automatic sort on the Walker's device). It would have been obvious to a PHOSITA to add the mapping functionality of the representative device of Walker and its necessary mapping data generation to Boushy and Pierce so to provide the useful customer location function as taught by Walker.

(Note: Walker also discloses:

A computer-implemented patron award system for <u>a gaming establishment</u> comprising:

a) a patron database (e.g. Figure 4 item 455 and associated text; Figure item 580 "likes to

play golf" reads on patron characteristics or profiles; e.g. [0159]);

in which is maintained patron information relating to a plurality of patrons and historical

transaction information (e.g. Figure 5 item 580 "staying at hotel") involving said patrons;

b) a current activity database for storing substantially current transaction activity

information (e.g. Figure item 580 "last 10 spins have been losing outcomes ") for said plurality

of patrons;

<u>c)</u> a server unit operatively connected to said patron database and said current activity database,

said central server including:

a processor and a memory associated with said processor,
wherein said memory further includes:

a profile assignment module executable by said processor, said profile assignment

module being disposed to regularly assign (i.e. update) profiles to said plurality of

patrons (e.g. Figure 4 item 455 and associated text; Figure item 580 "likes to play golf"

reads on patron characteristics or profiles; e.g. [0159]);[0048]: representative can view

player's profiles (e.g. "hobbies") and update player's profiles via her PDA, e.g. as to

acceptance of offers;

an award matching module executable by said processor, said award matching

module operating to match awards to ones of said profiles ([0114] last 4 lines: server

provides list of offers matched to particular players, subject to override by
representative);

logic executed by the processor designed or configured to,

based upon at least the historical transaction information related to the plurality of
patrons and said substantially current transaction activity of said plurality of patrons,
provide the matched awards to a first patron (of said plurality of patrons assigned to said
ones of said profiles) (e.g. [0092]); and display on mobile representative device with 1st
and 2nd interface as discussed above).

As to the new limitations:

:"determining for each of the awards a likelihood of acceptance by said first patron based
upon at least (i) the historical transaction information involving said patrons including the
first patron (ii) the observed preference data of at least the first patron, and (iii) an operator-
specified time period within which to consider the observed preference data;"

As stated above , based on the above interpretation that observed preference data is the
same as monitored transaction activity, note that Boushy teaches monitored substantially
current transaction activity (abstract, Fig 3 and 4 and associated text). Pierce teaches sorting
offers by likelihoods of acceptance. Walker teaches an interface used by casino personnel on the
casino floors to present offers. The motivation to combine the references was presented above.

Alternatively if ""observed preference data ","" is taken as observed by casino
personnel, Walker at [0110] teaches:" *a representative who interacts with a player is capable*
of more thoroughly
understanding the preferences of that player. *Thus, in one embodiment*
representatives and the central computer can advantageously cooperate to

determine which offers to provide to players"

> **(Walker** [0110]:
>
> *" There may be advantages to having a representative assist in*
> *selecting an offer to present to a player. Even exceptionally designed*
> *computer systems are generally not as adept at interpreting player preferences,*
> *feelings, and moods as are people, especially certain types of people. In*
> *general, a representative would be capable of more readily determining player*
> *preferences, feelings, and moods. Therefore, a representative, especially a*
> *well-trained representative, may be able to ascertain or interpret information*
> *that an unaided central computer could not. Further, over **time** a*
> *representative **who interacts with a player is capable of more thoroughly***
> ***understanding the preferences of that player**. Thus, in one embodiment*
> *representatives and the central computer can advantageously cooperate to*
> *determine which offers to provide to players")*

Thus it would have been obvious to a skilled artisan to add such WALKER teaching to
the BOUSHY, PIERCE AND WALKER system to allow adding the casino personnel insight to
other tracked data to "advantageously cooperate to determine which offers to provide to
players" (Walker [0110]).

Note also that the databases or other apparatus or devices do not know whether the data
are "observed" or not.

**As to sorting matched offers based on the likelihood of acceptance wherein the
matched offers are based on observed preference data collected during a time period
specified by an operator,** Walker teaches at [0058] data collected on a user may be based on
"any other desired time period".

> *(Walker, [0058] Player database may further include any other data related to a*

player, including but not limited to (i) amount lost or won in the current

gaming session; (ii) amount won or lost during this stay at the casino, during

*this vacation or **during any other desired time period**; and (iii) activities*

performed during his stay at a casino)

Thus it would have been obvious to add such teaching to the BOUSHY, PIERCE AND

WALKER system to allow monitoring data for any desired time period, as relevant or needed for

any business purpose.

New claims 30-33:

Official Notice is taken that it is old and well-known to match offers based on time of

day, (e.g. offering a free coffee at breakfast time because the offer is timely and more likely to be

accepted; see e.g. Lonsbury US 20050267804 at [0014] : coupons dispensed based on time of

day). Thus it would have been obvious to add the above old and well-known facts to the system

of BOUSHY, PIERCE AND WALKER to allow making timely and more likely to be accepted

offers.

New claims 31-33:

As to observed location of a patron within a business establishment or observed time

played by a patron at a location within the gaming establishment , Walker at [0076] teaches

offers made to : "*v) a player who appears to be frustrated by a*

winning streak by a casino dealer (such as a blackjack dealer who has not

busted for a very long time or has been achieving a total of twenty one), i.e. teaches offers made

based on an observed time played at blackjack table within the casino).

As to observed preference data includes an observed meal type selected by a patron, Walker at [0081] teaches offer triggers: " Triggers may also comprise other activities performed by the player. ...purchases a **meal** at a restaurant associated with the casino". "Purchases a **meal** at a restaurant associated with the casino reads on a type of meal selected, e.g. a pizza bought at a pizzeria associated with the casino).

Thus it would have been obvious to add the above-discussed offer triggers taught by Walker to the system of BOUSHY, PIERCE AND WALKER to allow making offers based on observed behaviors thus making them more likely to be accepted.

Claims 2, 22-23:

The combination of BOUSHY in view of PEIRCE and Walker discloses a method and/or system as in claims 1, or 21 above and BOUSHY further discloses defining a plurality of profiles associated with a corresponding plurality of profile valuations, said assigning further including selecting said profile from said plurality of profiles.
(col. 9 lines 52-67: e.g. VIP customers).

Claims 3, 24, 26:

The combination of BOUSHY in view of PEIRCE and Walker discloses a method and/or system as in claims 1, or 21 above and BOUSHY further discloses defining a plurality of awards, said matching further including selecting said award from said plurality of awards based upon a profile valuation of said profile and a value of said award (abstract: distinguished (i.e. more valuable) services for special status (i.e. is higher valuation) customers; col. 12 lines 8-12, 20-22: different levels of points; col. 12 lines 50-55: different levels of comps).

Claims 4, 25:

The combination of BOUSHY in view of PEIRCE and Walker discloses a method and/or system as in claims 1, or 24 above and BOUSHY further discloses wherein said profile is characterized by a profile valuation (col. 9 line 2 to col. 10 line 2 : VIP or Premier customers profiles, "worth to the casino" or "theoretical win value" read on profile valuations). Boushy also discloses awards commensurate with customers' expenditures and her worth to the casino (e.g. based on her "theoretical win value" to the casino) (col. 14 lines 9-25).

However <u>BOUSHY does not specifically disclose</u> said award matched to said profile is being valued at less than or equivalent to said profile valuation.

However, businesses are not in the business to lose money. Since giving awards values higher than what the business can make of the customer (e.g. based on her "theoretical win value" to the casino) is losing money, it would have been obvious to the PHOSITA to add to the combination of BOUSHY in view of PEIRCE and Walker to give an award matched to said profile being valued at less than or equivalent to said profile valuation only, for the above stated goal. Giving more would be inconsistent with Boushy's goal of giving "commensurate awards" (col. 14 lines 22-24).

Claim 5:

The combination of BOUSHY in view of PEIRCE and Walker discloses a method and/or system as in claim 1above and BOUSHY further discloses customer's preferences are collected (col. 9 lines 54).

But neither BOUSHY nor PEIRCE explicitly disclose wherein said matching includes considering award preferences of said patron or plurality of patrons. However since one usually is more receptive to offers that one likes, it would have been obvious to add to BOUSHY an offer based on the consumer preferences to increase the odds that the offer would be accepted.

These personalized awards would enhance the customer's overall experience with the business and the awards process and might make him or her more likely to return, a goal of Boushy (col. 10 lines 49-53).

Claim 6:

The combination of BOUSHY in view of PEIRCE and Walker discloses a method as in Claim 5 above and BOUSHY further discloses wherein said matching further includes considering current conditions (col. 13 lines 29-32). (Note "current conditions" also reads on current activities of the customers, which as stated in discussions of previous claims above, determine level of awards as points and/or comps).

Claim 7:

The combination of BOUSHY in view of PEIRCE and Walker discloses a method and/or system as in claim 5 above of matching awards based on customers preferences and further BOUSHY discloses the system monitors customers reactions to offers (redemptions) for analysis to better target subsequent offers (col.14 lines 43-49 and lines 58-60). Since one is more likely to accept an offer that one likes, accepting a particular award is some indication of one's preference for that award. Thus at col.14 lines 43-49 and lines 58-60, BOUSHY discloses matching awards wherein "the award preferences are based at least in part upon reaction of said first patron to other awards previously offered to said first patron".

Claims 27 and 29:

The combination of Boushy in view of PEIRCE and Walker discloses a method and/or system as in claims 1, or 24 above. BOUSHY in view of PEIRCE does not, but Walker discloses wherein said server logic is further designed or configured to generate a script containing information that describes how to deliver said first award to said first patron and wherein said logic is further configured to output said script to the display device (e.g. [0076]; [0168]: "prompts" reads on scripts) .

Thus it would have been obvious to a PHOSITA to add such functionality to the system of Boushy and PEIRCE to help the representatives make effective offers presentations as taught by Walker.

Conclusion

10.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Lazarus US 6134532 A teaches System and method for optimal adaptive matching of users to most relevant entity and information in real-time. Claim 2:"the observed behavior is
    selected from the group consisting of: submitting a query to a web site,
    requesting a web page, purchasing, a product, visiting a merchant, visiting a
    web site, inquiring about a product, watching a TV show, and watching a movie."

11.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khanh H. Le whose telephone number is 571-272-6721. The Examiner works a part-time schedule and can normally be reached on Monday-Wednesday 9:00-6:00. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Lynda Jasmin can be reached on 571-272-6782. The fax phone numbers for the organization where this application or proceeding is assigned are 571-273-8300 for regular communications and for After Final communications. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-3600. For patent related correspondence, hand carry deliveries must be made to the Customer Service Window (now located at the Randolph Building, 401 Dulany Street, Alexandria, VA 22314). Information regarding the status of an application may

be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Khanh H. Le/

Primary Examiner, Art Unit 3688